

U.S. Patent Appln. No.: 09/752,564  
Attorney Docket No.: 032405 WN 061

Please replace claims 1, 7-9, and 14 as shown in the document entitled "CLEAN COPY OF THE AMENDED CLAIMS."

### REMARKS

Applicants respectfully request reconsideration of this application and reconsideration of the Office Action dated December 28, 2001 (Paper No. 5). Claims 1, 7-9, and 14 have been amended taking into consideration the Examiner's suggestions in a telephone discussion on May 2, 2002. No new matter is incorporated by this Amendment.

\* \* \* \* \*

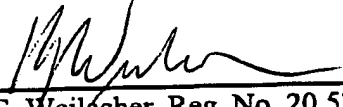
The amendment to the claims in addition to the amendments and Remarks filed in the Amendment of March 27, 2002 overcome the outstanding objection and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application therefore is earnestly solicited.

If any fees under 37 C.F.R. §§1.16 or 1.17 are due in this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 032405.061.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:

  
Robert G. Weilacher, Reg. No. 20,531  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

Dated: May 7, 2002

U.S. Patent Appln. No.: 09/752,564  
Attorney Docket No.: 032405 WN 061

## MARKED-UP VERSION OF THE AMENDED CLAIMS

1. (Twice Amended) A rear gate opening and closing apparatus for automatically opening and closing a rear gate of a vehicle, comprising:

a power source unit [for producing a] that produces power to actuate said rear gate;

a slider [for transforming] that transforms said power into a reciprocating motion and for traveling in the longitudinal direction of said vehicle;

a hinge arm provided for attachment at [the] an upper end of said rear gate for [pivotally connected] pivotal connection with said vehicle body;

a connecting rod [for interlocking between] that interlocks said slider and said hinge arm [and for] said rod transmitting said reciprocating motion to said hinge arm;

a mounting base [for supporting] that supports said power source unit and said slider;

a mounting base installer for detachably installing said mounting base in a space formed by a rear rail, a side rail and an under roof of said vehicle; and

a gas stay [extending in the longitudinal direction of said vehicle,] rotatably [connected] attachable to said side rail at one end thereof and attached to said hinge arm at the other end thereof, and disposed at [approximately] substantially the same height as and in parallel with said connecting rod throughout movement of said hinge arm for biasing said rear gate in an opening direction.

7. (Twice Amended) The apparatus according to claim 4, wherein

said controller controls said power source for actuating said rear gate so as to vary a closing speed so that the rear gate is rotated in a closing direction against a biasing force of said

U.S. Patent Appln. No.: 09/752,564  
Attorney Docket No.: 032405 WN 061

gas stay when said rear gate is in a self-opening zone and the rotation in a closing direction is restricted when said rear gate is in a self-closing zone.

8. (Twice Amended) The apparatus according to claim 4, wherein  
said controller judges, based on said detection signal from said position detector, a fully  
opened or closed condition of said rear gate.

9. (Twice Amended) The apparatus according to claim 4, wherein  
said controller judges, based on a load of said power source unit, a fully opened or closed  
condition of said rear gate.

14. (Once Amended) A vehicle having an apparatus [for] that automatically [opening]  
opens and [closing] closes a rear gate of said vehicle, comprising:  
a drive unit installed in a space formed by a rear rail, a side rail and an under roof of said  
vehicle, said drive unit producing a power to actuate said rear gate;  
a hinge arm rotatably attached to a vehicle body for rotatably supporting said rear gate;  
a connecting rod connected to said drive unit and said hinge arm for transmitting the  
power of said drive unit to said hinge arm so as to rotate said hinge arm; and  
a gas stay connected to said hinge arm at the end thereof and said side rail at the other  
end thereof for biasing said rear gate in an opening direction so as to assist the operation of said  
drive unit, said gas spring being disposed at [approximately] substantially the same height as an  
in parallel with said connecting rod [with extending in a longitudinal direction of said vehicle]  
throughout movement of said gate.